

**MINUTES FOR THE
SEMINOLE COUNTY
BOARD OF ADJUSTMENT
MARCH 24, 2003**

MEMBERS PRESENT: Wes Pennington, Mike Hattaway, Lila Buchanan, Alan Rozon

MEMBER ABSENT: Dan Bushrui

ALTERNATE PRESENT: Bob Goff

ALSO PRESENT: Kathy Fall, Senior Planner, Earnest McDonald, Principal Coordinator, Karen Consalo, Assistant County Attorney, Candace Lindlaw-Hudson, Sr. Staff Assistant.

The Chairman called the meeting to order at 6:00 P.M. and explained to those in attendance the order in which the meeting was to be conducted. He then reviewed the method for appealing the decisions made at the meeting.

Continued Items:

1. TIMOTHY BROOKS - 322 Sandy Top Lane; A-5 (Agriculture); reinstatement of a special exception for an existing mobile home; located approximately 0.1 mile north of Sandy Top Lane and 0.3 mile west of SR 426; (BM2002-027)

District 2 – Morris

Earnest McDonald, Principal Coordinator

Mr. McDonald explained that the applicant in this case had not come to last month's meeting and that the item had been continued in order to give Mr. Brooks an opportunity to be present to answer questions from the Board. Mr. McDonald stated that there had been numerous unsuccessful attempts to reach the applicant since last month's meeting. The applicant had not sent a representative or made any effort to communicate with the staff concerning this application.

Mr. Rozon made a motion to deny the request.

Mr. Pennington seconded the motion.

The vote was 4 – 0 in favor of the motion. The request was denied.

Staff requested that agenda item number 8 be moved to the Consent Agenda.

Alan Rozon made a motion to move agenda item 8 (Michael F. McArdle) to the Consent Agenda.

Lila Buchanan seconded the motion.

The motion passed by unanimous consent.

Consent Agenda:

Variances:

2. ROBERT AND MELINDA WALTER - 1308 Banner Court; R-1AA (Single-Family Dwelling District); (1) Minimum rear yard setback variance from 30 feet to 20 feet for a accessory building and; (2) Minimum rear yard setback variance from 30 feet to 25.8 for an existing house; located on the northwesterly side of Banner Court, approximately 355 feet north of Dodd Road and Banner Court intersection (BV2003-021).

District 1 - Commissioner Maloy

Kathy Fall, Senior Planner

3. JOHN IBONE - 200 Slade Drive; A-1 (Agriculture District); (1) Minimum lot width at the building line variance from 150 feet to 90 feet; and (2) Lot size variance from 43,560 square feet to 18,050.47 square feet for a proposed home; located on the north side of Slade Drive, approximately 55 feet west of the Slade Drive and Rock Road intersection (BV2003-007).

District 4 - Commissioner Henley

Kathy Fall, Senior Planner

4. MARK LAUGHRIDGE – 256 Wood Lake Drive; R-1AA (Single-Family Dwelling District); Minimum front yard setback variance on a double frontage lot from 25 feet to 20 feet for an accessory building; located on the east side of Wood Lake Drive, approximately 400 feet north of the Oranole Road and Wood Lake Drive intersection (BV2003-014).

District 3 - Commissioner Van Der Weide

Kathy Fall, Senior Planner

5. PATRICK HUGHES & KIMBERLY HUGHES - 4219 Rocky Ridge Place; R-1A (Single-Family Dwelling District); Minimum rear yard setback variance from 30 feet to 21 feet for screen porch addition; located on the south side of Rocky Ridge Place, approximately .10 mile northwest of the Rocky Ridge Place and Cross Bow Drive intersection (BV2003-015).

District 5 - Commissioner McLain

Earnest McDonald, Principal Coordinator

6. MICHAEL JOHNSON - Lot 11 of Sanlando (Alpine Street); R-1AA (Single-Family Dwelling District); Minimum house size variance from 1,300 square feet to 1,200 square feet; located on the south side of Alpine Street, approximately 160 feet east of the Alpine Street and Evergreen Street intersection (BV2003-022).

District 4 - Commissioner Henley

Earnest McDonald, Principal Coordinator

This item was moved to the regular part of the agenda for discussion.

Earnest McDonald explained that the septic tank allowed for a maximum house size of 1,200 square feet. Environmental services Department will be involved on checking on this requirement.

Michael Johnson stated that the state had limited the maximum house size of 2,000 square feet. 1,200 square feet in air conditioning, the rest for garage and porch.

Mr. Goff asked about the necessity of a perc test.

Mr. Johnson said it was not necessary.

Mr. Goff said that lots like this need a perc test prior to application.

Mr. McDonald agreed.

Mr. Rozon asked about the placement of the drainage field in the front yard.

Mr. Johnson said it was in the ground with a 1 percent grade for gravity flow.

Dr. Buchanan asked if the site plan being seen on the overhead was different from the meeting packet. The packet has a 1,448 square foot living area.

Mr. Johnson stated that the site plan in the packets is incorrect.

Mr. Rozon said that this discrepancy is the reason for the item being on the regular agenda.

Mr. Johnson said the state said maximum house size under air for his project is 1,200 square feet.

Mr. Rozon stated that the site plan submitted was different.

Terry Heim spoke from the floor, representing the neighborhood. She stated that the adjacent property owners were not notified. There had been trees cleared and there was a code violation on the property.

Earnest McDonald said he was unaware of a code violation on the property.

Mr. Hattaway said that the applicant can apply for a variance to remedy the violation.

Mr. Goff agreed and stated that remediation required replanting of vegetation and trees.

Ms. Heim was concerned about well, septic and setback issues because of the proximity to a neighbor's well. She wanted assurance that these issues would be addressed.

Steve Booker of 637 Alpine Street said that he lived across the street from the site of the application. He asked how the county will know if the house is kept to 1,200 square feet.

Mr. Hattaway stated that, if granted, the variance would run with the lot and be for 1,200 square feet of living space.

Mr. Booker stated that such a house would bring down property values.

Mr. Johnson stated in rebuttal remarks that he had not authorized anyone to remove trees from his property. He then mentioned data from the County Property Appraiser website which showed that Mr. Booker's home was 1,312 square feet and Ms. Heim's home was listed as 1,146 square feet.

Dr. Buchanan asked Mr. Johnson when he had purchased the property.

Mr. Johnson stated that he had acquired the property following the granting of the original variance on the property.

Mr. Pennington asked if Mr. Johnson was going to build the house himself.

Mr. Johnson said he was going to do so.

Mr. McDonald stated that if the variance is granted, it should be contingent on the site plan submitted.

Kathy Fall stated that an amended site plan had been submitted at the meeting, and the one in the packet was not accurate.

Dr. Buchanan stated that if the variance is not approved, the lot will be made unbuildable.

Dr. Buchanan made a motion to approve the variance, according to the site plan submitted at the meeting.

Mr. Pennington seconded the motion.

Mr. Hattaway stated that the applicant has a hardship.

The motion for approval passed 5 – 0.

7. DEHAVEN BATCHELOR - 605 South Orange Boulevard; A-1 (Agriculture District); Special exception to allow a veterinary clinic for horses; located on the east side of South Orange Boulevard, approximately 0.2 mile north of the Wilson Road and South Orange Boulevard intersection (BS2003-004).

District 5 - Commissioner McLain Earnest McDonald, Principal Coordinator

After the items were introduced by Mr. McDonald, Mr. Goff asked about item 6.

Mr. McDonald explained that there was a septic system issue with a 1,200 square foot maximum house.

There were no questions or comments from the Board or the audience.

Mr. Rozon made a motion to move item 6 to the Regular Agenda.

Mr. Pennington seconded the motion.

The motion passed by unanimous approval.

Mr. Rozon made a motion to approve consent items 2, 3, 4, 5, and 8.

Mr. Pennington seconded the motion.

The Consent Agenda was approved by unanimous consent.

Chairman Hattaway explained that item 18 has not met requirement to be heard and it should be continued to the April 28 meeting.

Mr. Goff made a motion to move item 18 to the April 28, 2003 meeting.

Mr. Pennington seconded the motion.

The motion passed 5 – 0.

Regular Agenda

Prior to the hearing of the Regular Agenda, Kathy Fall reviewed the criteria from the Seminole County Land Development Code for the granting of a variance.

8. **MICHAEL F. MCARDLE** - 1707 Cedar Stone Court; RC-1 (Country Homes District); Minimum side yard setback variance from 20 feet to 15.67 feet for a room addition; located on the south side of Cedar Stone Court, approximately 180 feet south of Fieldwood Boulevard. (BV2003-020).

District 5 - Commissioner McLain

Kathy Fall, Senior Planner

This item was moved to the Consent Agenda and approved with the consent items.

9. **MICHAEL S. WILSON** - 386 Banyan Drive; R-1AA (Single-Family Dwelling District); Minimum west side yard setback variance from 10 feet to 4 feet for an existing garage; located on the south side of Banyan Road, approximately 212 feet west of the Banyan Road and Oranole Road intersection (BV2003-006).

District 3 – Commissioner Van Der Weide

Kathy Fall, Senior Planner

Kathy Fall stated that staff does not recommend approval, being that the application does not meet the six criteria for the granting of a variance from the LDC. If approved, she asked that approval be tied to a site plan.

Mr. Wilson stated that he had a code violation. He had enclosed a preexisting structure. It is a third garage that is under consideration. Mr. Wilson stated that he did not have permits to build this.

Doris Scott, of 386 Banyon, stated that this is an improvement to what was already there. She is the neighbor closest to the project and she has no objection.

Dr. Buchanan made a motion to approve the granting of the variance. She stated that she does not like to be forced into approving existing structures, but since this enhances the property, she has no objection.

Mr. Goff seconded the motion.

The motion passed by unanimous consent.

10. **DAVID KEISARI** - 9730 Bear Lake Road; R-1AA (Single-Family Dwelling District); (1) Minimum lot width at the building line variance from 90 feet to 75 feet; and (2) side yard setback variance from 10 feet to 7.5 feet for a proposed home; located on the west side of Bear Lake Road, approximately .10 mile north of the Linneal Beach Circle and Bear Lake Road intersection (BV2003-019).

District 3 - Commissioner Van Der Weide

Kathy Fall, Senior Planner

Kathy Fall stated that staff recommended denial of the side yard setback variance. Staff recommendation was for approval of the minimum lot width variance. Approval should be tied to a site plan.

Mr. Goff stated that if the Board approves a site plan, the applicant is limited to a specific design for the rest of time. Setback limitation is better.

Mr. Hattaway stated that future variances could be granted.

Kathy Fall stated that the Board would be granting a reasonable use of the land.

Mr. Goff again objected to the use of a site plan in this instance.

Karen Consalo agreed with Mr. Goff that the site plan is being tied to the variance. If you just grant the variance, it is more general.

Mr. Hattaway said that if a future rebuild occurs and the new house is different, that would trigger another variance.

Karen Consalo stated that if a variance is granted, setbacks are from front to back.

Mr. Goff stated that tying the variance to a site plan in this instance is an unnecessary restriction of property rights.

Mr. Hattaway stated that in certain instances, a site plan is beneficial.

Dr. Buchanan said that Mr. Goff's point was well taken. Someone may wish to have a different footprint for the house in the future.

Mr. Keisari said that there was a house there prior to this request that was demolished. The 90 feet to 70 feet makes the lot usable. The second problem was the mistake made by his architect concerning the side yard setbacks.

Mr. Hattaway asked what the setbacks of the old house had been.

Mr. Keisari stated that they were 10 feet.

Mr. Hattaway pointed out that separate motions should be made on the variances.

Mr. Goff made a motion to approve the lot width variance.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent.

Mr. Pennington made a motion to approve the west side setback from 10 feet to 7.5 feet.

Dr. Buchanan seconded the motion.

The motion passed 3 – 2. Mr. Hattaway and Mr. Rozon voted “no.”

11. **MICHAEL NEWCOMB** - 692 Carrigan Woods Trail; PUD (Planned Unit Development); Minimum rear yard setback variance from 15 feet to 11.5 feet for a covered screen room; located on the south side of Carrigan Woods Trail,

approximately .10 mile south of the Division Road and Carrigan Woods Trail intersection (BV2003-010).

District 1 - Commissioner Maloy

Kathy Fall, Senior Planner

Kathy Fall stated that staff could not recommend approval since the applicant was not meeting all of the criteria necessary as stated in the LDC.

Mr. Newcomb said that he wanted a screen room beyond the porch, which he was enclosing in glass. He wanted to add depth to the existing porch.

Dr. Buchanan asked what was behind the property.

Mr. Newcomb said that a retention pond and the Econ River were behind the property.

Mr. Pennington made a motion to approve the granting of the variance.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent.

12. LEE SIZEMORE / FL POOL ENC. - 1709 Blackmon Court; R-1A (Single-Family Dwelling District); Minimum side yard setback variance from 7.5 feet to 6 feet for a pool screen enclosure; located on the east side of Blackmon Court, approximately 179 feet south of the West Lake Brantley Road and Blackmon Court intersection (BV2003-023).

District 3 - Commissioner Van Der Weide

Kathy Fall, Senior Planner

Kathy Fall stated that staff could not recommend approval of the request since it did not meet all of the criteria necessary for the granting of a variance as stated in the LDC.

Glen Promise, property owner, submitted a notebook with approval of the neighbors included inside.

Kathy Fall stated that the pool screen enclosure is the issue.

Mr. Promise said that the fence is misplaced. It is inside the property line.

Kathy Fall said that the screen can be 5 feet from the rear yard line. The side yard is the same setback as the pool.

Mr. Promise said that the pool was already installed when he bought the house.

Mr. Rozon made a motion to approve the granting of the variance.

Mr. Pennington seconded the motion.

The motion passed by unanimous approval.

13. TAMMY ABRAMSON - 5604 North Road; A-1 (Agriculture District); (1) Minimum side street setback variance from 50 feet to 45 feet for a rear screen room addition and (2) Minimum side street setback variance from 50 feet to 32.9

feet for an existing detached accessory building; located on the northwest corner of Orange Boulevard and North Road (BV2003-012).

District 5 - Commissioner McLain Earnest McDonald, Principal Coordinator

Mr. McDonald stated that the proposed screen room is on the site plan. The existing accessory structure is a non-conforming structure. This building should be brought into conformity prior to the consideration of the other variance.

Mr. Goff made a motion to approve the granting of both variances.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent.

14. JORGE RODRIQUEZ – Lot 14 and the western half of Lot 13 of Sanlando (Alpine Street); R-1AA (Single-Family Dwelling District); (1) Minimum lot size variance from 11,700 square feet to 10,500 square feet; (2) Minimum lot width at the building line variance from 90 feet to 75 feet; and (3) Minimum side street setback variance from 25 feet to 10 feet; located on the southeastern corner of the Evergreen Street and Alpine Street intersection (BV2003-017).

District 4 - Commissioner Henley Earnest McDonald, Principal Coordinator

Earnest McDonald stated that the Board denied Lot 12 and approved Lot 11 in this neighborhood on the same night. The property owner has Lots 12, 13, and 14.

The lots can be joined to create a conforming lot.

Dr. Buchanan asked if Mr. McDonald was recommending the combining of 3 lots to make a 150 foot lot.

Mr. McDonald stated that the intent was to make a conforming lot.

Mr. Rodriguez stated that the 10 foot setback was on a non-existing road, Evergreen Avenue. Next door there is a lot with variances. He can build a 4,000 square house on his other lot. This is a long term investment which will enhance the neighborhood. The biggest home on the block is 1,800 square foot house. He is combining 3 lots into 2. Lot 14 and half of Lot 13 has water. There is no water to Lot 12 and half of 13.

Dr. Buchanan asked if Mr. Rodriguez had run a percolation test.

Mr. Rodriguez said he had not.

Mike Johnson said that Mr. Johnson has tried to get the road vacated. 75 feet is a good average lot. The lot width is not a problem. No one would buy a triple lot in this area.

Terry Heim of 641 E. Alpine Street said that Lots 12 and 13 were withdrawn. Lot 14 was denied at a previous meeting. In January she had submitted 6 letters opposing the request. Tonight she has 15 signatures on the letter of opposition to this request. The granting of the variance increases density and the neighborhood

also had a concern with septic placement. She is also concerned about the setbacks.

Nancy Fullerton spoke next stating that she is opposed to the 10 foot setback.

Carlene Evans of 624 Alpine Street said that Evergreen Street is not going to be vacated. There is no problem with vandalism in the neighborhood. She has lived in the neighborhood for 28 years.

Carla Fetch said that she was opposed. There is no problem with the woods. There is a variety of different sized homes. She thought variety was appealing and had no objection.

Steve Booker of 637 Alpine Street said that this was neighborhood of diverse houses on larger lots. The Johnson variance had a hardship. This does not. This is 3 lots with one owner. He asked that the Board not add to the density of the area.

Dr. Buchanan asked if Mr. Rodriguez owned the property.

Mr. Rodriguez said he did not own the property, but has a contract of the property.

Mr. Pennington stated that this is a compromise. A 150 foot lot is very large. 90 feet to 75 feet is reasonable.

Mr. Goff stated that 2 lots of 75 feet that meet the setback requirements are better than having 3 houses there.

Mr. Goff made a motion to approve the lot size and width variances as requested.

Dr. Buchanan seconded, stating that this is a reasonable compromise.

The motion passed by a unanimous vote.

Mr. Rozon made a motion to deny the request for a side street setback variance from 25 feet to 10 feet.

Dr. Buchanan seconded the motion.

The motion passed by unanimous approval.

15. JORGE RODRIGUEZ - Lot 12 and eastern half of Lot 13 of Sanlando (Alpine Street); R-1AA (Single-Family Dwelling District); (1) Minimum lot size variance from 11,700 square feet to 10,420 square feet; and (2) Minimum lot width at building line variance from 90 feet to 75 feet; located on the south side of Alpine Street, approximately 102 feet east of the Alpine Street and Evergreen Street intersection (BV2003-018).

District 4 - Commissioner Henley Earnest McDonald, Principal Coordinator

Earnest McDonald stated that this item will be treated the same as the previous item. His recommendation was for denial.

Mr. Goff made a motion to approve the lot size and width variance.

Mr. Pennington seconded the motion.

The motion passed with unanimous approval.

16. KEVIN E. ORGAN & DONOVAN STANTON - 5473 Baytowne Place; R-1A (Single-Family Dwelling District); Minimum rear yard setback variance from 30 feet to 19.58 feet for a room addition; located on the east side of Baytowne Place, approximately 436 feet south of the Baytowne Place and Brownwood Court intersection (BV2003-011).

District 1 - Commissioner Maloy Earnest McDonald, Principal Coordinator

Mr. McDonald stated that staff recommended denial of the request; however, if approved, staff recommended the use of conditions listed in the Staff Report.

Donovan Stanton stated that the neighbors approved of the project. The house has had termite damage which required repair, and in planning the repair, an expansion was planned.

Kevin Organ stated that the rear wall will be moved back 11 feet, one inch. There are two previous variances in the area for similar expansions. The rear wall will go out 14 inches from the breakfast nook. Behind the house is a retention pond.

No one spoke from the floor.

Dr. Buchanan made a motion to approve the variance according to the site plan submitted.

Mr. Rozon seconded the motion.

The motion passed by a unanimous vote.

17. JOYCE SANTEE - 703 Laurel Way; PUD (Planned Unit Development District); Rear yard setback variance from 25 feet to 20 feet for the replacement of an existing screen room with an addition; located on the south side of Laurel Way, approximately 187 feet east of the Laurel Way and Brittany Drive intersection (BV2003-009).

District 1 – Commissioner Morris Earnest McDonald, Principal Coordinator

Earnest McDonald stated that staff recommendation was for denial. Staff has not received any input on this item. Staff had difficulty getting a visual picture of the site.

Dr. Buchanan made a motion to continue the item until the April meeting.

Mr. Pennington seconded the motion.

The motion passed with unanimous approval.

Special Exceptions:

18. CORNERSTONE CHURCH OF ORLANDO – Willingham Road; A-5 (Rural Zoning Classification); Special exception to allow a church and attendant facilities; located on the northeast corner of Willingham Road and Old Chuluota Road (BS2003-002).

District 1 - Commissioner Maloy

Earnest McDonald, Principal Coordinator

Mr. McDonald requested that this item be continued to April 28, 2003.

Mr. Goff made a motion to continue the item to the next meeting.

Mr. Pennington seconded the motion.

The item was continued until the April 28, 2003 meeting by a unanimous vote.

Approval of Minutes:

October 28, 2002

November 25, 2002

December 16, 2002

January 27, 2003

February 24, 2003

The minutes were approved as amended.

The Board then discussed the calendar for the upcoming year. The June meeting was revised to be on the 4th Monday.

The meeting was adjourned at 10:15 P.M.

Interested parties are encouraged to appear at this hearing and present written/oral input regarding the proposed items and related matters or submit written comments to plandesk@co.seminole.fl.us at the Seminole County Planning Division, 1101 East First Street, Sanford, FL 32771, Room 2201, telephone 407-665-7444; FAX 407-665-7385. This hearing may be continued from time to time as found necessary. Additional information regarding these matters is available for public review at the address above between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Human Resources Department ADA Coordinator 48 hours in advance of this hearing at 407-665-7944. Persons are advised that if they decide to appeal any decisions made at this hearing, they will need a record of the proceedings, and for such purpose they may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (Florida Statutes, Section 286.0105).

BOARD OF ADJUSTMENT
BY: MIKE HATTAWAY, CHAIRMAN